

Applicants: Haller et al.  
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## REMARKS

### I. Rejections under 35 USC §103

Claims 1-11 and 13-15 are rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of the '771 Snell patent in view of the '770 Nappholz et al. patent in further view of the '906 Kroll patent .

Snell discloses a monitor coupled to a central monitoring station over a bus. Nappholz discloses a programmer having cell phone communication capability to an emergency station. Thus, both Snell and Nappholz have the common purpose of communicating information between a patient's IMD and a central monitoring station.

Kroll describes a standalone medical apparatus (e.g., CAT scan, PET scan). The apparatus when accessed and used for a medical procedure logs that usage and provides invoicing information. Kroll in no way involves monitoring apparatus or apparatus that has the purpose of communicating information between a patient's IMD and a central monitoring station.

Amended claim 1 is specific that invoicing is in response to a communication initiated when the mobile phone relays data from the IMD to the remote computer system and when the mobile phone relays data from the remote computer center to the IMD. This is something totally inapposite to Kroll's standalone medical apparatus for in-situ delivery of diagnostic procedures to a patient.

Amended claim 1 is not obvious from the combination of Snell, Nappholz and Kroll.

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**Claims 16-29 are rejected under 35 U.S.C. §103(a) as being unpatentable over Snell/Nappholz in view of Kroll and further in view of '043 Imran.**

As noted in the office action at page 5, the rejection of claim 16 follows the same rationale as the rejection of claim 1. Accordingly, for the reasons set forth above with respect to the rejection of claims 1-11 and 13-15, the rejection of claims 16-29 also fails. There is no motivation to provide the combined Snell/Nappholz system with invoicing capability in accordance with Kroll.

Further, Imran discloses only the communication of ECG data from an IMD while the IMD is receiving pacing trigger pulses from an external device. Claim 16, however, specifies a communication system separate from the communication path between the IMD and the mobile phone/PDA that establishes bi-directional communication between the mobile telephone and the remote computer system, which is adapted to perform simultaneous bi-directional communication with the mobile telephone. Imran does not disclose such a communication system.

Amended claim 16 is not obvious from the combination of Snell/Nappholz/Kroll/Imran.

**Claim 12 is rejected under 35 U.S.C. §103(a) as being unpatentable over Snell/Nappholz in view of Kroll and further in view of OTSUKA. .**

Applicants note that claim 12 depends from independent claim 1 which has already been shown itself to cover patentable subject matter. Accordingly, claim 12 too can be viewed as covering patentable subject matter.

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**Claims 31-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Snell/Nappholz in view of Kroll and further in view of '952 Stutman et al.**

As noted in the office action at page 6, the rejection of claim 31 follows the same rationale as the rejection of claims 1 and 16. Accordingly, for the reasons set forth above with respect to the rejection of claims 1-11 and 13-15 and the rejection of claims 16-29, the rejection of claims 31-33 also fails. There is no motivation to provide the combined Snell/Nappholz system with invoicing capability in accordance with Kroll.

**Claims 32-33 are rejected under 35 U.S.C. §103(a) as being unpatentable over the '877 Nolan patent in view of Kroll in further view of Snell in further view of the '952 Stutman patent.**

Applicants restate the reasons set forth above with respect to the rejection of claims 1-11 and 13-15 and the rejection of claims 16-29. For the same reasons, the rejection of claims 32-33 fails. Moreover, claim 32 recites that the communications module is adapted to detect whether at least one of a component defect and a software defect exists within one of the IMD and the remote computer system, and in the event that the component defect or software defect is detected, software encoded instructions for determining whether a remote repair available. Nowhere among the cited references combined to reject claim 32 is this limitation found. Accordingly, the rejection necessarily fails.

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#### IV. Conclusion

Applicants submit that the independent claims are patentably distinct over the applied art and not obvious from the recited combinations. That is, Applicants submit that absent is any teaching or suggestion motivating one of skill in the art to combine the art in any manner that provides the claimed inventions. As such, Applicants respectfully assert that the claims are in condition for allowance and request that a notice of allowance be issued in due course.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned attorney to attend to these matters.

Respectfully submitted,

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